(4) (2)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) No. 3646 / 2006

PETITIONER: Arun Kumar Vishwakarma, SINGLE BENCH

S/o Shri J.R. Vishwakarma,

Aged about 45 years, Post- Assistant Teacher, R/o Sheela Sadan, Shanti Nagar Ward, Jagdalpur, Dist Bastar(C.G.)

P.R. No. 32/12/06
Presented by Shri Alok Dewangan
dated 19/12/06

VERSUS

RESPONDENTS: 1. State of Chhattisgarh

Through the Secretary,

School Education Department

Ministry, D.K.S. Bhavan, Raipur, (C.G.)

2. The District Education Officer

Jagdalpur, District Bastar,(C.G.)

3. The Principal,

Govt. Multipurpose Higher Secondary School , Jagdalpur, District Bastar (C.G.)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR THE ISSUENCE OF WRIT IN THE NATURE OF MANDAMUS, PROHIBTION, CERTIORARI, AND ANY OTHER WRITS, DIRECTIONS OR ORDERS.

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(21)

मामला क्रमांक ....W.P.3646/.... **सन्** 2006

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

21-7-2006

Mr. Alok Dewangan, counsel for the petitioner.

Mr. Satish Gupta, Deputy Govt. Advocate for the State/ respondents, on advance copy.

Heard both the counsel.

The main grievance of the petitioner raised in this writ petition under Article 226/227 of the Constitution of India, is that in spite of passing the B.Ed. examination at his own expenses vide statement of marks (Annexure P-1) in the year 1990-91, he is not being given the benefit of two advance grade increments.

The case of the petitioner is that the petitioner was appointed on 7-12-1985 as Assistant Teacher. Thereafter, the petitioner has passed B.Ed. examination at his own cost and therefore, he is entitled for two advance increments, and similarly situated persons Dhirendra Kumar Mishra & others were given the benefit of two advance increments as per the order dated 19-4-2001 (Annexure P-2) of the State Administrative Tribunal.

Perusal of Annexure P-5 dated 26-7-2003 shows that the teachers who have passed the B.Ed. examination before 23-10-1964 and the teachers who have passed the B.Ed. examination after 1-3-1991 on their own expenses shall be entitled for two grade increments. Perusal of Annexure P-1, statement of marks, issued by the Deputy Registrar, Institute of Correspondence Courses, shows that the petitioner passed B.Ed. examination by correspondence course during the session 1990-91. The petitioner is not being given the benefit of order dated 26-7-2003 passed by

P.T.O.

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ...W.P.3644... **सन्** 2006

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

the Deputy Secretary, School Education, Bhopal, whereas, the State Administrative Tribunal vide order dated 19-4-2001 (Annexure P-2) ordered for grant of two increments to the similarly situated persons.

Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, without expressing any opinion on the merit of the case, the petitioner is allowed to make a detailed representation along with a copy of this petition raising all his grievances to respondent No.1 within a period of 15 days from today and in turn, respondent No.1 is directed to examine the case of the petitioner in the light of averments made by the petitioner in this writ petition as well as in the representation also. If respondent No.1 reaches to the conclusion that similarly situated persons have been granted the benefit of two advance increments and the petitioner's case is also covered for grant of two advance increments on the basis of Government's order, then shall pass orders within a period of three months from the date of receipt of the representation of the petitioner, in accordance with law.

With the direction aforesaid, the petition stands disposed of.

Parties are entitled for certified copy of this order.

Sd/-
L.C.Bhadoo
Judge

Soma

P.T.O.